

ORDINANCE NO. 11-09

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 10-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE THE 33-UNIT AFFORDABLE HOUSING PROJECT FOR THE ELDERLY, IN SUBSTANTIALLY THE FORM AS ATTACHED. AS EXHIBIT "1" **THE EASEMENT LOCATED INSIDE 525 WEST 1 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 26, 2011 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants a 10-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve the 33-Unit Affordable Housing Project for the Elderly located on 525 West 1 Avenue, Hialeah, Florida. The easement is located inside 525 West 1 Avenue, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

A STRIP OF LAND 10:00 FEET WIDE, BEING A PORTION OF THE REVISED PLAT OF BLOCK 18 OF THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 22nd day of February, 2011.

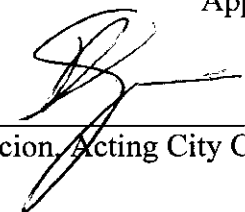
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



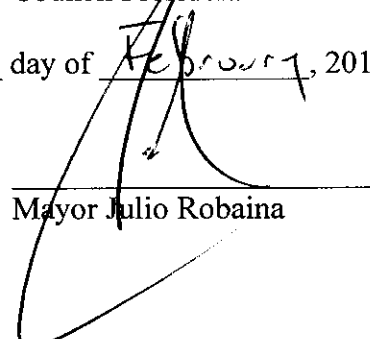
Carlos Hernandez
Council President

Attest:

Approved on this 25 day of February, 2011.



David Concepcion, Acting City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney



CFN 2011R0163336
 OR Bk 27616 Pgs 1024 - 1027; (4pgs)
 RECORDED 03/14/2011 11:56:00
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

Work Request No. _____

Sec. ___ Twp ___ Rge ___

Parcel I.D. _____

(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 7/94

EASEMENT

This Instrument Prepared By

Name: William M. Grodnick, Esq.

Co. Name: City of Hialeah

Address: 501 Palm Avenue

Hialeah, FL 33010
 pg 1 of 3

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of ~~overhead and~~ underground electric utility facilities (including ~~wires, poles, guys,~~ cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

See attached Exhibit "A"

Reserved for
 Circuit Court

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the ~~lines or~~ systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2011

Signed, sealed and delivered in the presence of:

City of Hialeah, Florida

(Corporate's Name)

By:

Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue
Hialeah, FL 33010

William Grodnick
William Grodnick

[Print Name]

[Signature]
Anne Clavero

[Print Name]

Attest:

[Signature]
 David Concepcion
 Acting City Clerk

State of Florida)
) ss:
 County of Miami Dade)

The foregoing instrument was acknowledged before me this 22 day of February, 2011 by Mayor Julio Robaina as a _____ of _____, on behalf of the City of Hialeah S/He is personally known to me (YES) (NO) or who has produced _____ as identification.

(Signature of Notary)

(Print Name of Notary)

[Signature]
Carmen B. Hernandez

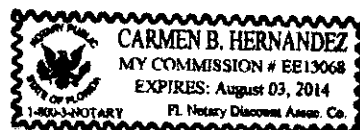
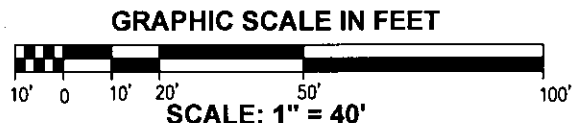


Exhibit 1

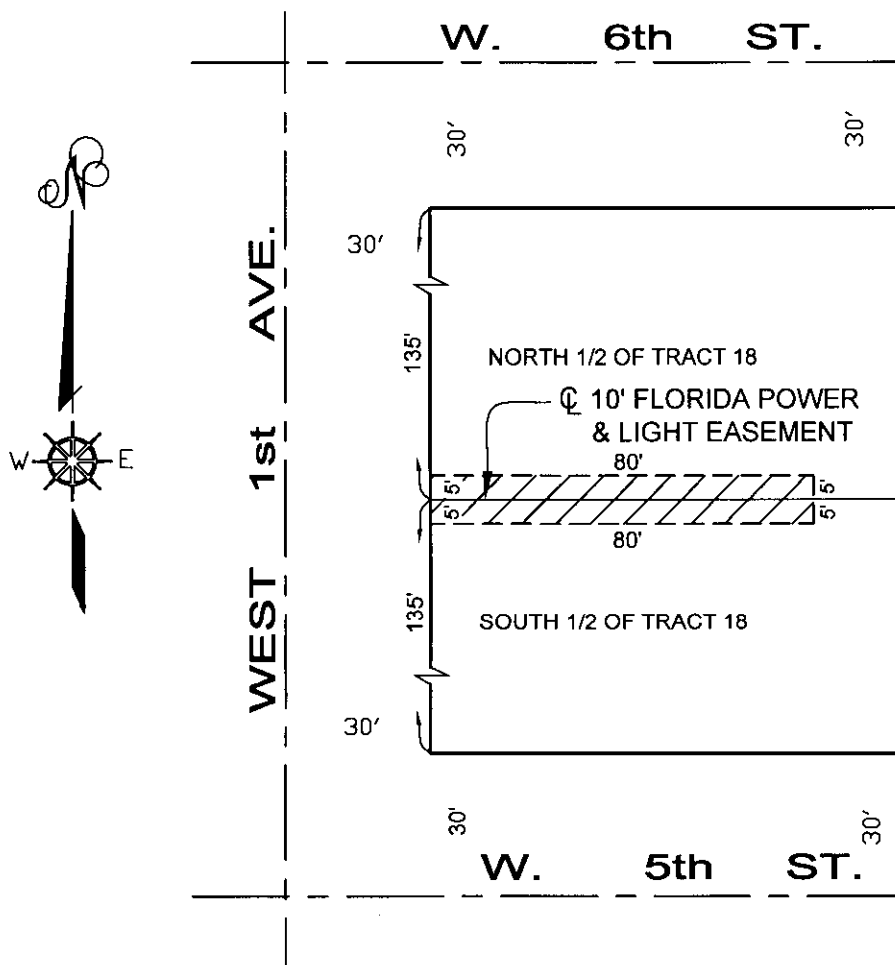
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EXHIBIT "A"
**SKETCH AND LEGAL DESCRIPTION OF
FLORIDA POWER & LIGHT EASEMENT**



LEGAL DESCRIPTION:

A strip of land 10.00 feet wide being a portion of REVISED PLAT OF BLOCK 18 OF THE TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 33, at Page 15, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:
The South 5.00 feet of the North 1/2 of the West 80.00 feet of said Tract 18, and the North 5.00 feet of the South 1/2 of the West 80.00 feet of said Tract 18.



PREPARED BY:
J. F. LOPEZ & ASSOCIATES, INC.



CONSULTING LAND SURVEYORS AND PLANNERS

CERTIFICATE N° LB.3192, STATE OF FLORIDA

7900 NW. 155th ST, SUITE 104, MIAMI LAKES, FL.33016

Ph: (305) 828-2725 Fax: (305) 828-3589

BY: *Jose F. Lopez*
JOSE F. LOPEZ, P.S.M.

Professional Surveyor & Mapper
N°3086, State of Florida.

DATE: JANUARY 10, 2011

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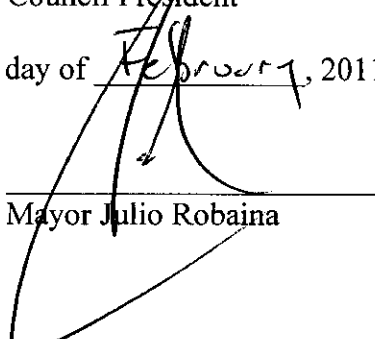
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